



**National Crime Prevention and Privacy Compact
Compact Council Meeting
Pittsburgh, Pennsylvania
May 11-12, 2016**

MINUTES

Ms. Dawn A. Peck, Chairman, National Crime Prevention and Privacy Compact (Compact) Council (Council), called the Council meeting to order at 9:00 a.m. on May 11, 2016, in Pittsburgh, Pennsylvania.

Mr. Gary S. Barron, FBI Compact Officer, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

State Compact Officers:

- Ms. Katie Bower, Michigan State Police
- Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation
- Ms. Rickeya Franklin, Ohio Bureau of Criminal Investigation
- **Proxy for Ms. Carole Shelton, Maryland Department of Public Safety and Correctional Services**
- Ms. Julie A. Lackner, Minnesota Department of Public Safety
- Mr. Joseph N. Morrissey, New York State Division of Criminal Justice Services
- Ms. Dawn A. Peck, Idaho State Police
- Mr. Matthew R. Ruel, Maine State Police Bureau of Identification
- Mr. Charles I. Schaeffer, Florida Department of Law Enforcement
- **Proxy for Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center**
- Mr. Bradley Truitt, Tennessee Bureau of Investigation

State/Local Noncriminal Justice Agency Representative:

- Ms. Becky Fleming-Siebenaler, Montana Department of Public Health and Human Services

State/Local Criminal Justice Agency Representative:

- Captain Thomas W. Turner, Virginia State Police

Federal Noncriminal Justice Agency Representative:

- Mr. William Marosy, U.S. Office of Personnel Management
- **Proxy for Mr. Merton W. Miller**

Federal Criminal Justice Agency Representative:

- Mr. Jason A. Henry, Department of Homeland Security

Advisory Policy Board Representative:

- Mr. Michael C. Lesko, Texas Department of Public Safety

Federal Bureau of Investigation:

- Mr. Stephen L. Morris, FBI Criminal Justice Information Services Division

Other meeting attendees introduced themselves and the agencies they represented.

(Attachment 1)

In her opening comments, Chairman Peck welcomed new State Compact Officer (SCO) Major Brandon Gray of the New Jersey State Police.

She expressed her appreciation for proxies that were in attendance. The proxies included: Mr. Jason Bright, Montana Department of Justice; Ms. Rickeya Franklin, Ohio Bureau of Criminal Investigation; Captain Joe Leatherman, South Carolina Law Enforcement Division; Mr. William Marosy, U.S. Office of Personnel Management; Ms. Jennifer Sablan, Hawaii Criminal Justice Data Center; Mr. Charles I. Schaeffer, Florida Department of Law Enforcement; and Ms. Lesa Winston, Arkansas Crime Information Center.

Next, Chairman Peck recognized representatives of non-party states in attendance. The non-party state representatives included: Captain Stacey Barrett, Louisiana State Police; Captain Deborah Rebeiro, Massachusetts State Police; Ms. Caroline Miller and Ms. Tracy Verano, Massachusetts Executive Office of Public Safety and Security; and Mr. Tony Loth, Nebraska State Patrol.

Chairman Peck expressed her appreciation for the guest speakers' participation in the meeting. She acknowledged Dr. Gerald Ramker of the Bureau of Justice Statistics (BJS); Mr. Scott Came and Mr. Dennis DeBacco of the National Consortium for Justice Information and Statistics (SEARCH); Ms. Mary Sprague of the U.S. Department of Health and Human Services (DHHS), Office of Child Care (OCC); and Ms. Kinza Ghaznavi and Mr. Aaron Olszewski of the Corporation for National and Community Service (CNCS).

Chairman Peck reported that four topics were provided as information only and were included in the meeting registration packets; however, they will not be presented at the meeting. These topics include the Noncriminal Justice Online Policy Resources for the Serve America Act and Interstate Identification Index (III) Access for Exigent

Circumstances, the National Fingerprint File (NFF) Quarterly Statistics, and the Next Generation Identification (NGI) Status Report.

Chairman Peck announced that as of September 30, 2016, there will be four vacant SCO positions on the Council. The officers who have expiring terms are representatives from Hawaii, Maine, Minnesota, and Wyoming. She announced that 11 nominations were received for the four vacant positions, and ten nominees accepted their nominations. Chairman Peck explained that each of the SCOs in attendance received election material and completed ballots are to be provided to the FBI CJIS Division staff.

The ballots were counted and certified on May 12, 2016. At the conclusion of the ballot count, there were four candidates with the highest number of votes. There was a tie of two candidates for the first alternate on the Council. In accordance with the Bylaws, Section 5.1, in the case of an election that does not conclusively identify the requisite number of candidates for the vacancies that exist, the Chairman shall conduct a run-off election as necessary to resolve a tie; as such, Chairman Peck conducted a run-off election of the two candidates on May 12, 2016. A run-off ballot was prepared and the SCOs were requested to vote for one of the two candidates for the first alternate on the Council. The SCOs that voted absentee were also contacted and requested to participate in the run-off election. The run-off ballots were counted and the FBI Compact Officer, Mr. Gary S. Barron, certified the election results on May 12, 2016.

The following SCOs were elected to serve on the Council for a two-year term and their names have been forwarded to the United States Attorney General (AG) for appointment:

- Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation
- Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center
- Mr. Wyatt Pettengill, North Carolina State Bureau of Investigation
- Mr. Charles I. Schaeffer, Florida Department of Law Enforcement

In the event of a vacancy during the next year, the following individuals were elected as an alternate SCO on the Council, and their names were also forwarded to the United States AG for appointment:

- First Alternate: Mr. Jeffrey R. Kellett, New Hampshire Department of Safety
- Second Alternate: Ms. Julie A. Lackner, Minnesota Department of Public Safety
- Third Alternate: Ms. Leslie Moore, Kansas Bureau of Investigation
- Fourth Alternate: Ms. Rickeya Franklin, Ohio Bureau of Criminal Investigation
- Fifth Alternate: Ms. Melanie A. Veilleux, Arizona Department of Public Safety
- Sixth Alternate: Ms. Deborah S. McKinney, Oklahoma Information Services Division

Next, Chairman Peck advised that anyone wishing to submit a topic to be addressed by the Council should submit a topic paper suggestion form to the FBI Compact Officer, Mr. Gary S. Barron. She noted that a copy of the topic suggestion form could be obtained on the Council's public Web site, and announced that the deadline for topic paper requests for the fall 2016 Committee meetings is June 3, 2016. In addition, Chairman Peck noted that the Standards and Policy (S&P) Committee and the Planning and Outreach (P&O) Committee meetings are tentatively scheduled for September 14-15, 2016, with the location to be announced.

The Council finalized the draft minutes from the November 2015 meeting, approving them with no changes.

Compact Council Action: Mr. Joseph N. Morrissey moved to approve the November 2015 minutes with no changes. Seconded by Ms. Katie Bower. Motion carried.

Agenda topics were then discussed.

Topic #1 Council Chairman's Report

Council Chairman Ms. Dawn A. Peck provided a Council update. She discussed the important work being carried out by the Council's Noncriminal Justice Rap Back Service Focus Group (RBFG) and the NFF Qualification Requirements Focus Group (NFF Quals Focus Group). Ms. Peck also briefly discussed her visit to the FBI CJIS Division, during which she met with several CJIS Division groups, including Assistant Director (AD) Stephen L. Morris, the Compact Team, and the Fee Programs Unit. She announced that two states have recently requested information on Compact legislation and that one state would be receiving an NFF on-site assessment in summer 2016. Ms. Peck also recognized that 11 SCOs had been nominated to run for a seat on the Council. Lastly, Ms. Peck recognized the FBI Compact Officer, Gary S. Barron, and Supervisory Management and Program Analyst, Paula A. Barron, for their extraordinary service to the Compact Council and congratulated them on their upcoming retirement.

Compact Council Action: This topic was accepted for information only.

Topic #2 FBI's CJIS Division Update

Mr. Stephen L. Morris, FBI CJIS Division AD, provided an overview of the CJIS Division's current initiatives. He opened his presentation with appreciation for the work of the Council, the SCOs, and the CJIS staff supporting the Council process. AD Morris congratulated Mr. Joseph N. Morrissey of the New York State Division of Criminal Justice Services on New York's recent participation as the 20th NFF state.

AD Morris then provided updates on various CJIS Division priorities. He briefed the success of the CJIS Division's CJIS Systems Officer Training, which was held in Clarksburg, West Virginia, in May 2016 and provided training to over 40 attendees.

AD Morris announced that the biannual user fee study had recently been completed, noting that the Noncriminal Justice Rap Back Service user fee had also been studied during this period and that the results would be forthcoming. He also noted that Utah and two federal agencies are subscribing to the Noncriminal Justice Rap Back Service. AD Morris stated that six states and additional federal agencies are also expected to become Rap Back Service subscribers in 2016.

He noted that the NGI Interstate Photo System (IPS) now contains more than 25 million photos, with seven states and the District of Columbia submitting transactions to the IPS and three additional states expected to follow soon. AD Morris then discussed the success of the NGI's latent search capabilities and played the Biometric Identification Award video.

AD Morris provided updates on various projects and information sharing efforts in the CJIS Division. He noted the planned deployment of new information technology infrastructure in support of the National Instant Criminal Background Check System (NICS). He also stated that additional NICS staff had been hired due to increases in the volume of federal firearms background checks.

He stated that the CJIS Division continues to prioritize obtaining missing dispositions, noting significant improvements in the FBI Field Office disposition reporting rate as a result of concentrated efforts from CJIS Division staff.

AD Morris noted continued progress on the effort to refresh the National Crime Information Center (NCIC) system, known as NCIC 3rd Generation (N3G). He stated that a user study had resulted in more than 5,400 responses, which have since been distilled into 14 categories. Close collaboration with the Advisory Policy Board (APB)'s Working Groups is ongoing, with a Concept of Operations expected to be the next deliverable in the N3G effort.

AD Morris addressed the CJIS Division's dedication to tribal engagement efforts, noting the success of the first Tribal Engagement Conference held in August 2015 and announcing that a second Tribal Engagement Conference would be held in the fall of 2016. AD Morris encouraged SCOs to attend the conference, if applicable to their state.

AD Morris briefed ongoing crime data modernization efforts, highlighting the efforts to transition Uniform Crime Reporting (UCR) from the summary system to the more data-rich National Incident Based Reporting System (NIBRS) model.

Lastly, AD Morris recognized Mr. Gary S. Barron and Ms. Paula A. Barron on their exemplary service to the Compact Council and congratulated them on their impending retirement.

Compact Council Action: This topic was accepted for information only.

(Attachment 2)

Topic #3 Advisory Policy Board (APB) Update

Captain Thomas W. Turner presented the APB update and provided an overview of items supported by the APB at its December 2015 meeting, as they relate to the Council. First, Captain Turner noted that the APB addressed 38 recommendations during its December 2015 meeting, including 3 recommendations from the Identification Services Subcommittee, 11 recommendations from the UCR Subcommittee, 15 recommendations from the NCIC Subcommittee, 1 recommendation from the NICS Subcommittee, 6 recommendations from the Security and Access Subcommittee, and 2 from the National Law Enforcement Data Exchange (N-DEx) Subcommittee. Captain Turner noted that concentrated efforts continued in response to two UCR-related recommendations, including a nationwide transition to the NIBRS model for data reporting and the collection of use of force by law enforcement officers data.

Captain Turner announced that the spring 2016 APB meeting will be held June 7-9, 2016, in Norfolk, Virginia, with topics for discussion to include fusion center criminal justice status, encryption requirements within the CJIS Security Policy, Title 28, Code of Federal Regulations, Part 23 data in the N-DEx, the Disposition Task Force's Best Practices Guide, and Criminal Justice Rap Back Service Guide updates. The Working Group meetings are scheduled for August 16-18, 2016, in Orlando, Florida. The Subcommittees will meet October 25-27, 2016, with the location to be determined. The fall 2016 APB meeting is tentatively scheduled for December 6-8, 2016, with the location yet to be determined.

Lastly, Captain Turner thanked all those involved in the APB process and encouraged SCOs to contact him, Designated Federal Officer Mr. R. Scott Trent, or the Council's APB representative Mr. Michael C. Lesko with any questions. He noted that SCO attendance at APB meetings is welcomed. Captain Turner also thanked Mr. Gary S. Barron and Ms. Paula A. Barron for their legacy of service to the Compact Council.

Compact Council Action: This topic was accepted for information only.

(Attachment 3)

Topic #4 Compact Ratification Video

Ms. Riley J. Combs, FBI CJIS Division staff, presented the Compact Ratification Video concept. Ms. Combs noted that the concept for the Compact Ratification Video was developed to align with the Council's Strategic Plan, Objective 3.1, to encourage ratification of the Compact by all states and territories. Ms. Combs stated that the intended audience for the video would be all those with a potential role in affecting Compact ratification and noted that the goal of the video was to present Compact ratification information in a visually engaging and easy to understand format accessible to the layperson.

Ms. Combs briefed the proposed outline of the video. She noted that all SCOs had been provided with an opportunity to provide comments on a copy of the draft script several weeks prior to the Council meeting, and that comments received had been incorporated into the final draft of the script before the Council for approval. Ms. Combs also noted that, if approved, filming for the video would begin immediately.

Compact Council Action: Mr. Joseph N. Morrissey moved for the Compact Council to develop a video to highlight the benefits of Compact Ratification. Seconded by Ms. Rickeya Franklin. Motion carried.

(Attachment 4)

Topic #5 Bureau of Justice Statistics Update

Dr. Gerard Ramker, BJS, provided an update on the activities and initiatives of the BJS. First, Dr. Ramker provided information on the recent grant solicitation period for the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). He noted that 42 grant applications were received for the NCHIP and 22 grant applications were received for the NARIP, and stated that awards were expected to be finalized in August 2016. Dr. Ramker also provided an update on possible future funding levels for the NCHIP and the NARIP.

Dr. Ramker stated that the BJS continued educational efforts with Congress related to the NCHIP and the NARIP. Dr. Ramker noted that specific attention was given to the impact of criminal history record improvements to the NCIC and the III on the efficacy of a NICS check. He also announced reports created in collaboration with the FBI, the National Center for State Courts, and SEARCH related to progress in submission of mental health prohibitor information to the NICS Index. Dr. Ramker announced that the seventh review of the NCHIP was underway by the Government Accountability Office, with the final report forthcoming. Lastly, Dr. Ramker announced that BJS's work continued related to recidivism statistics, and noted that the BJS may

leverage the SEARCH membership's feedback to identify recidivism analyses that may be of use to the states.

Compact Council Action: This topic was accepted for information only.

(Attachment 5)

Topic #6 Update on the Retention of Below Threshold Quality Civil Submissions

Ms. Penny Harker, FBI CJIS Division staff, provided an update on the proposed solutions for retention of below threshold quality civil submissions. She announced that approval had been granted for testing of a technical solution to increase retention of civil fingerprints for Rap Back Service purposes and reduce image quality rejects. This technical change will compute the image quality score for a set of fingerprints based, initially, on all ten fingers. If this does not result in a passing image quality score, the image quality score will be recalculated without the inclusion of the lowest quality image. If this does not result in a passing image quality score, the finger with the next lowest quality image will be "dropped" and the image quality score will be recalculated. This can occur with up to three fingers being "dropped" from the image quality score calculation. The lowest quality images will be dropped from the matcher only and will remain in the system.

Ms. Harker noted that testing of this potential technical solution would be conducted in summer 2016. She also agreed to provide statistical analysis conducted as a result of the testing to the Council and its Committees. Ms. Harker stated that the CJIS Division would continue its robust outreach and support initiatives to increase fingerprint image quality by offering training and providing monthly fingerprint submission and rejection statistics to each state.

Compact Council Action: This topic was accepted for information only.

Topic #7 (A) SEARCH Update

Mr. Scott Came, SEARCH, provided an update on SEARCH activities of potential interest to the Compact Council. First, Mr. Came announced that the next SEARCH Membership meeting would be held July 26-28, 2016, in Houston, Texas, and briefly discussed the agenda for that meeting. Topics slated for discussion included a briefing from the SEARCH Government Affairs Office, a state roundtable to allow the SEARCH membership to discuss items of interest, updates on the Open Justice Broker Consortium initiative designed to develop open source information sharing platforms, and a session on the Uniform Law Commission's current effort related to criminal records accuracy.

Mr. Came noted the success of a session held during the January 2016 SEARCH Membership meeting on the history, background, and purpose of the Compact Council and thanked the Council for its continued partnership.

Mr. Came then addressed several current SEARCH initiatives. Highlights included provision of technical assistance to help agencies nationwide transition from summary UCR reporting to the NIBRS, work with the Police Engagement Initiative to increase the transparency of data that can be made publicly available, local government information sharing initiatives, and e-filing, e-warrants, and related initiatives leveraging cloud computing services.

Compact Council Action: This topic was accepted for information only.

(Attachment 6)

(B) SEARCH – 2014 Survey of State Criminal History Information Systems Summary

Mr. Dennis DeBacco, SEARCH, presented an overview of the 2014 Survey of State Criminal History Information Systems. He noted that all 50 states, the District of Columbia, Puerto Rico, and Guam provided responses to the survey, with additional information provided by the FBI CJIS Division. Newly added survey sections included increased data collection related to disposition reporting, wanted persons information, live scan and card scan use, and both criminal justice and noncriminal justice Rap Back services. Mr. DeBacco thanked the State Identification Bureau (SIB) directors for their diligence in completing the survey and providing important information.

Mr. DeBacco then delivered a high-level briefing of the survey's results, noting that the full report could be obtained on the SEARCH's Web site at <www.search.org>. During the briefing, Council members noted that the current survey provided the percentage of dispositions held at the state level, but did not provide the number of arrests, and suggested that this be revised in the next edition of the survey. Council members also suggested that the term "disposition" be defined in the survey according to the definition developed by the APB's Disposition Task Force. Additional suggestions included a closer look at the definition of a "protection order" and information on the number of records indexed in a state at the FBI.

Compact Council Action: This topic was accepted for information only.

(Attachment 7)

Topic #8 Update on the Child Care and Development Block Grant Act (CCDBG) Background Check Requirements

Ms. Mary Sprague, of the DHHS OCC, presented an overview of efforts related to the background check requirements of the CCDBGGA. She opened her presentation with background regarding the Child Care and Development Fund and the OCC's role in administering the block grant, which was designed to serve the dual purposes of improving economic stability for low income families and supporting child development. Ms. Sprague noted that due to new background check requirements introduced in the CCDBGGA, the OCC had been in consistent contact with both the Council and the states in an effort to identify the best method for implementing these background check requirements. Ms. Sprague stated that the OCC published a Notice of Proposed Rulemaking (NPRM) related to the CCDBGGA in the *Federal Register* in December 2015, with the 60 day period for public comment closing on February 22, 2016.

Ms. Sprague then highlighted the key features of the CCDBGGA's new background check requirements, which include a search of the state criminal and sex offender registries and the state child abuse and neglect registries in the state where the individual lives or has lived in the last five years, a search of the NCIC, an FBI fingerprint check, and a search of the National Sex Offender Registry (NSOR). Ms. Sprague stated that the NPRM sought to clarify some of these requirements. First, the NPRM proposed that the search of the NCIC would search only the National Sex Offender File, noting that this was the only NCIC file that could potentially reveal disqualifying information. Second, the NPRM proposed that the search of the state criminal repository would be a fingerprint-based search. In addition, to help facilitate checks across state lines, the NPRM proposed to require states to have in place procedures to respond to other states' requests for background check results, and to post their state policies and procedures related to background checks on their state Web site. Lastly, the NPRM sought to provide flexibility related to a 45 day deadline for completion of all required background checks set out in the CCDBGGA by allowing states discretion regarding next steps should the 45 day deadline pass.

Ms. Sprague advised that the OCC received approximately 150 comments on the NPRM, 56 of which focused specifically on the background check requirements. Top concerns included the feasibility of searching the NCIC as well as state child abuse and neglect registries across state lines. Council members asked Ms. Sprague if any consideration had been given to the adjudication of the information garnered from the background checks; Ms. Sprague confirmed that the OCC received several comments regarding this issue and was working to identify possible options.

The Department of Justice (DOJ) requested an opportunity to review the draft final rule before its publication by the OCC.

Council Action: This topic was accepted for information only.

(Attachment 8)

Topic #9 Biometric Interoperability Update

Ms. Linda K. Wilson, FBI CJIS Division staff, presented the biometric interoperability update, which provides the NGI users with information regarding the implementation of biometric-based interoperability between the FBI CJIS Division and other federal agencies. Ms. Wilson reviewed biometric interoperability progress and provided updated statistics related to interoperability searches. She briefly touched upon the progress made in relation to biometric interoperability, stating that all 50 states and 4 of the 5 U.S. territories participate in interoperability.

Ms. Wilson reported that the CJIS Division worked with INTERPOL Washington and the Department of Homeland Security (DHS) Office of Biometric Identity Management in an effort to make INTERPOL notices accessible to the DHS stakeholders via the NGI. The first phase was completed in November 2013 and provides the initial capability for the automated sharing to the DHS's Automated Biometric Identification System (IDENT) through the NGI. Ms. Wilson also announced that Customs and Border Patrol Rapid Response 2 is now fully deployed to all airports throughout the United States, with deployment to the nation's seaports slated to be implemented next.

Ms. Wilson stated that the Department of Defense (DoD) Automated Biometric Identification System (ABIS)/NGI interface control agreement had been signed by the FBI CJIS Division and sent to the DoD for signature; completion of this agreement will set the state for multimodal sharing with the DoD and define the technical guidelines for such exchange.

Ms. Wilson advised that the automated functionality for full latent interoperability for all users was deployed with the NGI Increment 4. The search is not automatic. She further clarified that users will need to select whether to search the latent submission in an external system by utilizing the Name of Designated Repository field. Even though the technical infrastructure will be in place for latent users to search external systems, participation is not automatic. It will require coordination with the FBI CJIS Division and the external user. Ms. Wilson announced that latent interoperability is being piloted with the Texas Department of Public Safety, with the possibility for other state participation potentially opening at the conclusion of the pilot period. Ms. Wilson also announced that the latent MOU undergirding participation in latent interoperability had been completed in draft form and is undergoing legal review.

Lastly, Ms. Wilson provided a brief overview of next steps for interoperability. These included updating the MOU between the FBI, the DHS and the Department of State (DOS), efforts to transition from shared data to shared services, and work to increase the number of authorized participants with access to the NGI, the DHS IDENT, and the DOS ABIS.

Compact Council Action: This topic was accepted for information only.

(Attachment 9)

Topic #10 Update on the Rap Back Focus Group – Legacy Fingerprints

Ms. Sandra R. Schooley, FBI CJIS Division staff, presented an update on the activities of the Rap Back Focus Group (RBFG). First, Ms. Schooley noted that the RBFG had addressed several items related to legacy fingerprints; however, following the presentation of that information during the March 2016 S&P Committee meeting, the S&P Committee had decided to put that topic on hold pending possible new developments related to user fees for the Noncriminal Justice Rap Back Service. Second, Ms. Schooley advised that the Noncriminal Justice Rap Back Service Best Practices Guide was presented during the March 2016 S&P Committee meeting and was also placed on hold pending user fee updates. Third, Ms. Schooley discussed the RBFG's work related to the noncriminal justice Rap Back triggers. She noted that the RBFG had met several times regarding this topic and would continue to meet and make recommendations regarding triggers to the S&P Committee as appropriate. Lastly, Ms. Schooley briefly reviewed outstanding action items related to the RBFG's work and gave a status for each. The Council Chair thanked Mr. Jeffrey Kellett for his work as the RBFG's chairman.

Compact Council Action: This topic was accepted for information only.

(Attachment 10)

Topic #11 Noncriminal Justice Rap Back Audit Plan

Mr. Timothy Neal, FBI CJIS Division staff, presented the Noncriminal Justice Rap Back Audit Plan (Audit Plan). Mr. Neal opened his presentation by noting that Rap Back establishes no new authorities for the dissemination of criminal history record information (CHRI) and accordingly will be subject to all existing statutes, policies, and requirements. He announced that the CJIS Audit Unit will be incorporating audits of the Noncriminal Justice Rap Back Service into the existing triennial National Identity Service Audits of SIBs as well as local agencies. Mr. Neal stated that Submitters choosing the Person-Based Subscription Management plan will also be subject to an initial one-year audit designed to validate that the Submitter's documented processes in Appendix 2 have been implemented as coordinated with the FBI and are in compliance with the requirements of the Person-Based Subscription Management plan.

Mr. Neal provided a brief overview of items to be assessed during the Noncriminal Justice Rap Back Service audits. These include a review of the Appendix 2 to ensure

processes align with those documented in Appendix 2, validation of subscription management processes, ensuring that applicants have received notification of the retention of their fingerprints in NGI and a summary of the intended uses of those fingerprints, and ensuring that subscriptions are removed when the legal authority supporting the subscription no longer exists. Mr. Neal announced that the first audit of the Noncriminal Justice Rap Back Service for each Submitter would be a zero cycle audit and the findings would not be reported to the Compact Council's Sanctions Committee for formal reconciliation.

Compact Council Action: This topic was accepted for information only.

(Attachment 11)

Topic #12 2015 National Identity Services Audit Results Summary

Mr. Timothy Neal, FBI CJIS Division staff, presented an overview of the 2015 National Identity Services Audit results. Mr. Neal prefaced the presentation with a brief discussion of each of the three policy categories for which findings are reported, including compliance with the NFF Qualification Requirements (Quals), Access to CHRI for Noncriminal Justice Purposes, and Outsourcing of Noncriminal Justice Administrative Functions.

Mr. Neal announced that of the 29 policies assessed within the NFF Quals category, 24 were fully in compliance. Of the findings, failure to perform timely processing of unsolicited file maintenance was the most prevalent.

Mr. Neal noted that 49 findings were reported related to access to CHRI for noncriminal justice purposes. Failure to provide applicants with written notification that the fingerprints would be sent to the FBI for a national check and of the procedures for obtaining a change, correction, or update to an FBI record was the most prevalent finding. Dissemination of CHRI to both private and governmental contractors without authority to receive the CHRI also accounted for a significant number of findings in this category. Additional findings included use of CHRI without appropriate authority, providing an inaccurate "Reason Fingerprinted," and inappropriate purpose code usage.

Mr. Neal noted there were 21 findings reported related to the outsourcing of noncriminal justice administrative functions. Among the most prevalent were failure to meet the *CJIS Security Policy* requirements and allowing employees access to CHRI before the employees completed an FBI background check. In closing, Mr. Neal noted that the trends in the 2015 findings were consistent with those identified in the previous two years.

Compact Council Action: This topic was accepted for information only.

(Attachment 12)

Topic #13 Frequently Identified Findings Which Occur During Information Technology Security Audits and CJIS Security Policy Guidance

Mr. Derek A. Holbert, FBI CJIS Division staff, presented an overview of frequently identified findings from Information Technology (IT) Security Audits. Mr. Holbert opened his presentation with a brief history of the IT Security Audits for noncriminal justice agencies, which began in 2015.

Mr. Holbert presented the top 10 findings identified during the IT Security Audits, noting that the outsourcing of IT functions with no outsourcing agreement in place was one of the most prevalent findings. Mr. Holbert noted that between 40 and 50 percent of findings identified through the IT Security Audits are administrative in nature and thus can be brought into compliance with minimal expense. He also noted the unique nature of the *CJIS Security Policy* as a shared-management document that incorporates the input of those subject to its requirements.

Mr. Holbert then briefly discussed ways the users could ensure their compliance with the *CJIS Security Policy*. Key steps included educating users on the life cycle of criminal justice agency information from access to destruction and closely monitoring all entities involved in the storage, archival, transfer, and destruction of CHRI. He also noted that the CJIS Audit Unit has created template documents to assist agencies with compliance and that those resources could be found on the Compact Council's Special Interest Group on the Law Enforcement Enterprise Portal (LEEP). Lastly, Mr. Holbert stressed the importance of continuous training to all employees. Council members expressed gratitude to the CJIS Audit Unit for a continued legacy of partnership.

Compact Council Action: This topic was accepted for information only.

(Attachment 13)

Topic #14 Compact Council Strategic Plan Update

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Council's Strategic Plan Update. She reported that during the March 2016 P&O Committee meeting, the members reviewed the detailed Status Report and focused only on those items that were scheduled for review. She noted that for the Council's update, the members should refer to the Scorecard. As a reminder, the Scorecard is designed to provide a quick visual status of each of the strategic actions. She remarked that all of the strategic actions are green or blue, which indicates the Council is proceeding on schedule toward meeting its goals and objectives.

Ms. Drabish advised that during the November 2015 Council meeting, AD Morris advised that references to the Law Enforcement Online should be replaced with LEEP throughout the plan. Ms. Drabish presented two modifications to the Strategic Plan's language to satisfy this direction for the Council's consideration.

Compact Council Action: Mr. Joseph N. Morrissey moved to approve the change to Strategic Objective 1.3.1 noted in red: "Monitor state fee information for processing and/or retaining fingerprint-based criminal background checks for noncriminal justice purposes and post to the Council's ~~LEO~~ SIG on the LEEP on an annual basis." Seconded by Ms. Rickeya Franklin. Motion carried.

Mr. Joseph N. Morrissey moved to approve the change to Strategic Objective 4.2.1 noted in red: "Promote the information provided on the Compact Council's Web site hosted by fbi.gov and the ~~LEO~~ SIG on the LEEP." Seconded by Ms. Rickeya Franklin. Motion carried.

After quickly reviewing the setup of the Scorecard, Ms. Drabish reviewed each of the objectives, provided a status update, and presented several accomplishments that supported each of the strategic actions. Some of the successes included New York's recent NFF participation, the creation of the NFF Quals Focus Group, notification of the availability of NCHIP and NARIP funds to all SCOs, planning of the NFF State Information Sharing Conference slated for November 2016, and publication of the Noncriminal Justice Online Policy Resource regarding the Serve America Act.

Compact Council Action: This topic was accepted for information only.

(Attachment 14)

Topic #15 National Fingerprint File State Information Sharing Conference

Ms. Christy M. Kirkwood and Ms. Riley J. Combs, FBI CJIS Division staff, presented the concept for the NFF State Information Sharing Conference (Conference). Ms. Kirkwood provided background on the development of the concept and advised that the goal for the Conference would be to bring together Compact states in a common forum to share information and collaborate in an effort to ensure optimal efficiency and function of the NFF program. She stated that the Conference would include all SCOs and allow each SCO to bring one additional member of their staff.

Ms. Combs then briefed the proposed agenda for the Conference. Potential topics included changes to the NFF Program as a result of the NGI Increment 4 implementation in September 2014, a discussion of frequently asked questions related to the NFF

Program, a session on the NFF Mentorship Program, and development of an NFF Lessons Learned Document.

Compact Council Action: Mr. Joseph N. Morrissey moved to proceed with the NFF Information Sharing Conference and secure needed funding to facilitate the meeting. The Conference should take place in November 2016. Seconded by Ms. Rickeya Franklin. Motion carried.

(Attachment 15)

Topic #16 National Fingerprint File Participation Implementation Plan Review

Ms. Christy M. Kirkwood, FBI CJIS Division staff, presented an overview of the NFF Participation Implementation Plans submitted by non-NFF Compact states. As background, Ms. Kirkwood explained that in November of each year the SCOs of non-NFF Compact states are asked to provide an implementation plan to update status for that state's progress toward participation in the NFF Program. She thanked the Compact states for their efforts in completing the NFF Participation Implementation Plans and briefly discussed the status of each non-NFF Compact state.

In November 2015, the FBI Compact Officer requested and received plans from all 11 non-NFF Compact states. Ms. Kirkwood briefly discussed the contents of each state's plan, providing a status update and recent NFF preparation activities completed by each state. Ms. Kirkwood also briefed several teleconferences the Compact Team conducted with various non-NFF Compact states to discuss the NFF Program as well as the NFF on-site readiness assessments conducted with the South Carolina Law Enforcement Division and the Nevada Department of Public Safety in 2015. She also noted that an NFF on-site readiness assessment was slated for July 2016 with the Connecticut State Police Bureau of Identification.

(Attachment 16)

Topic #17 Request for Consideration of Changes to the National Fingerprint File Program

Ms. Christy M. Kirkwood, FBI CJIS Division staff, presented a request for consideration of changes to the NFF Program. Ms. Kirkwood prefaced her presentation by explaining that the proposed changes would simply offer a possible alternative path to NFF participation and would in no way impact existing NFF state processing. She provided background on the proposed changes, hereafter referred to as "alternative NFF," stating that the proposal was submitted by the Michigan State Police. The proposal was originally presented during the March 2014 S&P Committee meeting; at that time, the S&P Committee felt that alternative NFF should be evaluated as part of the Maximizing

Criminal Justice Data Access Study. In November 2015, as no evaluation had occurred and the Maximizing Criminal Justice Data Access Study had been placed on indefinite hold, the Compact Council recommended that the alternative NFF proposal be brought back to the Compact Council for review.

Ms. Kirkwood first provided background on the design of the traditional NFF Program. The NFF states must ratify the Compact, provide all nonsealed records indexed in the III with state pointers for all purpose codes and all types of requests, and conduct technical searches on all criminal fingerprints and applicant fingerprints. If an applicant fingerprint submission is identified at the state level, the NFF state does not forward the fingerprints to the FBI, obtains the entire criminal history record, and provides it to the contributor. Under the traditional NFF Program, only the first arrest fingerprint submission from the state for an individual is sent to the FBI using the Criminal Answer Required (CAR) Type of Transaction (TOT). On second and subsequent arrests for the individual, the NFF state sends the fingerprint images to the FBI as a Fingerprint Image Submission (FIS) TOT. The NFF state also sends a Criminal Print Identified (CPI) message to the III to electronically notify the FBI of the arrest and check wants and warrants. If there are new supplemental identifiers on the arrest, the state sends an Entering Supplemental Identifiers (EHN) message to the III to update the record.

Ms. Kirkwood explained that the proposed alternative NFF would substantially mirror the traditional NFF Program. Alternative NFF states would ratify the Compact, provide all nonsealed records indexed in the III with state pointers for all purpose codes and all types of requests, conduct technical searches on all criminal and applicant fingerprints, and handle applicant processing in the same manner as the traditional NFF Program. However, rather than programming to send the FIS TOT and the CPI and the EHN messages for second and subsequent arrests, an alternative NFF state would continue to send all arrests using the CAR TOT.

Ms. Kirkwood noted that in March 2016, the S&P Committee moved to recommend the Council approve the proposed optional alternative NFF participation method as described in the topic paper. In addition, the S&P Committee was asked to select whether the FBI should keep or delete the arrest data that would be received on the CAR TOT submissions under the proposed alternative NFF. The S&P Committee recommended that the arrest data be deleted.

Members of the Council discussed the proposal, recognizing that the proposal may help states join the NFF Program more quickly and with less resource expenditure. Council members also noted support for further examining the NFF Program to identify possible technical and design changes needed in light of significant technological advancement since the NFF Program's inception.

Compact Council Action: Mr. Charles I. Schaeffer moved to accept Option 1(a) as presented in the topic paper and listed below:

“Approve the Michigan State Police-proposed optional NFF participation method as described in the topic paper. The arrest data should be deleted.”

Seconded by Mr. Jason A. Henry. Motion carried with two dissenting votes.

(Attachment 17)

Topic #18 Information Sharing Gaps Related to the Use of the Criminal Print IDENT (CPI) Message

Ms. Riley J. Combs, FBI CJIS Division staff, presented on perceived information sharing gaps related to the use of the CPI message. Ms. Combs noted that the topic was originally presented during the March 2014 S&P Committee meeting. The topic was initially drafted by the CJIS Division’s Interoperability Initiatives Unit primarily to address concerns raised by the DHS in relation to the use of the CPI message. During the March 2014 S&P Committee meeting, the S&P Committee deferred evaluation of the topic to recommend it be included in the Maximizing Criminal Justice Data Access Study being created at that time. In November 2015, recognizing the uncertain future of the Maximizing Criminal Justice Data Access Study, the Council Chair requested that the topic be revisited.

Ms. Combs first provided background on the CPI message, which is sent to the III by NFF states on the second or subsequent arrest for an individual and checks wants and warrants. The CPI message contains only the message type, the arresting agency identifier, the Universal Control Number (UCN), and the State Identification Number (SID), with optional inclusion of the Transaction Control Number.

Ms. Combs noted that in March 2014, concerns were raised related to the impact of the CPI message on the Noncriminal Justice Rap Back Service. Rap Back participating agencies can select from three notification types; because the CPI message does not contain the date of arrest, an entity choosing the “Triggering Event Only” notification type would need to take an extra step to request the updated Identity History Summary and search the record for the new arrest. Ms. Combs advised that the CJIS Division’s Rap Back Services Team felt this issue had been minimized, as the “Triggering Event Only” notification type had not been selected by any participating agencies and was not being recommended, as it requires an additional step regardless of the CPI message impact.

Ms. Combs then discussed the DHS concerns. She explained that in 2008, a change was made to allow the NFF states to participate in biometric interoperability via the CPI message. When an NFF state sends a CPI message to the NGI on a second or subsequent arrest, it is used to create a submission for search of the DHS IDENT system. The DHS IDENT system requires a name, date of birth, and gender on every submission; because the CPI message does not contain these fields, the NGI uses the CPI information to pull the master fingerprint images and creates a submission using the name "CPI, CPI," the DOB "000000," and the gender "X." Per the IDENT-NGI MOU, IDENT can store the information if an independent DHS or Department of State encounter exists. As a result of these processes, the DHS reported that over 84,000 records in the IDENT have the name "CPI, CPI." Ms. Combs explained that IDENT raised concerns that their stakeholders would receive the name "CPI, CPI" rather than the name given at the time of arrest.

In addition, Ms. Combs explained that the DHS reported concerns related to the CPI message and the issuance of Immigration and Customs Enforcement (ICE) detainers. Upon a positive hit in the IDENT, the FBI uses the default information from the CPI message to generate an Immigration Alien Query (IAQ) to the ICE Law Enforcement Support Center (LESC), and the ICE LESC uses that information to search various databases. When an IAQ is sent with the name "CPI, CPI," the LESC must use the UCN and the SID to perform the search, slightly increasing processing time. Additionally, if the LESC determines that the individual is no longer legally permitted to stay in the U.S., the local ICE field office contacts the arresting agency or jail to issue a detainer request; because the CPI message does not contain biographic information given to the arresting agency, determining for whom to issue the detainer is more resource intensive for ICE and the booking agency.

Ms. Combs noted that four potential options for addressing the concerns raised with the CPI message were presented to the S&P Committee in March 2016. She explained that the S&P Committee moved to make no change at this time to the CPI message and instead continue to explore and investigate other options.

Compact Council Action: Mr. Charles I. Schaeffer moved to accept Option D, make no change at this time, and further investigate other options. Seconded by Mr. Joseph N. Morrissey. Motion carried.

(Attachment 18)

Topic #19 The International Justice and Public Safety Network (Nlets) Update

Ms. Kate Silhol, Nlets, provided a briefing on Nlets activities related to criminal history sharing. Ms. Silhol opened her presentation with a short overview of Nlets, noting that it is a not-for-profit organization governed by the states whose mission is to provide, within a secure environment, an international justice telecommunications

capability and information services that will benefit to the highest degree, the safety, the security, and the preservation of human life and the protection of property.

Ms. Silhol then briefed several recent Nlets initiatives, including the Criminal History Information Exchange Format, a BJS grant-funded project to help states implement the standardized rap sheet format; the Criminal History Information Sharing Project, which allows batches of criminal histories to be run via the Nlets portal and parsed into flat files to support the BJS recidivism studies; and a criminal history record parsing project funded by the DHS ICE in order to assist ICE with prioritizing the LESC processing that has since been expanded to assist other agencies.

Compact Council Action: This topic was accepted for information only.

(Attachment 19)

Topic #20 Update on the Serve America Act

Ms. Kinza Ghaznavi and Mr. Aaron Olszewski, CNCS, provided a briefing on the CNCS's implementation of the Serve America Act. Mr. Olszewski provided background on the CNCS and its role as a federal agency responsible for grant-making related to national community service. He then addressed the CNCS's work to implement the criminal history record check requirements put in place by the Serve America Act and the role of the CNCS in facilitating these checks.

Ms. Ghaznavi then briefed the specifics of the criminal history record check requirements. She noted that three checks are required for each grant-funded employee or volunteer, including a check of the National Sex Offender Public Web site, a check of the state repository of the individual's state of residence and state of service, and a fingerprint-based FBI check.

Ms. Ghaznavi discussed challenges faced by the CNCS in implementing these background check requirements. She stated that non-governmental agency grantees often encounter difficulties in obtaining state checks and in forwarding fingerprints to the FBI via the state repository; these issues stem from the fact that there may not be an appropriate state statute in place that covers the grantee's population, as well as a lack of state governmental staff available to conduct a fitness determination based on the background check results. Challenges also arise when the state of residence and state of service differ, as there are often barriers to obtaining an out-of-state check.

Ms. Ghaznavi noted that in those instances where submission of fingerprints to the FBI via the state repository was not possible, grantees previously relied on the Departmental Order (DO) process designed for personal review of their criminal history record. In January 2016, the CNCS entered into a contract with an FBI-approved

channeler to allow for submission of fingerprints to the FBI when submission to the FBI via the state repository is not possible. She noted that the CNCS continues to work diligently to help address challenges and ensure that all grantees receive the most complete background check possible. Ms. Ghaznavi stated that the CNCS had the authority to allow the use of alternate search procedures (ASPs) when the checks could not otherwise be conducted. She also noted that prior to the contract with the FBI-approved channeler, the CNCS could grant an exemption from the FBI check requirement in situations where an ASP was not possible. Such an exemption required the grantee to provide a letter of denial from the state repository. Ms. Ghaznavi stated that these exemptions would be sunsetted and no longer granted due to the solution provided by the FBI-approved channeler selection.

Ms. Ghaznavi noted that the CNCS is developing a state-by-state online guide to assist grantees with understanding the availability and requirements for access to state checks. In addition, Ms. Ghaznavi stated that the CNCS is making efforts to understand what sexual offenses at the state level require registration. Council members suggested that the CNCS contact the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office to get a list of registerable offenses in each of the states. Council Chairman Peck offered to send a message to all Compact states providing Ms. Ghaznavi's contact information and encouraging the SCOs to provide the pertinent information for their state. Ms. Ghaznavi thanked Chairman Peck and the Council for its partnership.

Lastly, Ms. Ghaznavi emphasized the CNCS's desire to work in partnership with the states, and noted a possible future initiative to work with the states to provide a guide that would assist grantees in navigating the background check process.

Compact Council Action: This topic was accepted for information only.

(Attachment 20)

Topic #21 Sanctions Committee Report

Ms. Julie A. Lackner, Sanctions Committee Chairman, addressed the Council with the Sanctions Committee's report. The Sanctions Committee met on May 10, 2016, and reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the November 2015 meeting. The Sanctions Committee reviewed the responses to the Sanctions letters and determined that three states would be sent letters of closure; six states, one federally-regulated agency, and one FBI-approved channeler would be sent follow-up letters; and one FBI-approved channeler would receive a letter of closure contingent on completion of open corrective actions by specified dates.

The Sanctions Committee reviewed audit findings from five NFF states. Recommendations were based on the following criteria: compliance with the NFF qualifications, violations of articles of the Compact to include III misuse, and the Compact rules. Based on these requirements, the Sanctions Committee recommended that one state receive a letter of concern and closure and four states be sent letters of recommendation.

The Sanctions Committee reviewed audit findings from one Compact state. Recommendations were based on the following criteria: violations of articles of the Compact to include III misuse and the Compact rules. Non-NFF Compact states are also reviewed for compliance with the NFF qualifications; however, these findings are only provided for informational purposes. Based on these requirements, the Sanctions Committee recommended that one state receive a letter of recommendation.

The Sanctions Committee reviewed audit findings from one MOU state. Recommendations were based on the following criteria: violations of articles of the Compact to include III misuse and the Compact rules. Based on these requirements, the Sanctions Committee recommended that one state receive a letter of concern and closure.

The Sanctions Committee reviewed audit findings from three non-Compact, non-MOU states. Recommendations were based on the following criteria: Non-Compact and non-MOU states are reviewed for violations of articles of the Compact to include III misuse and the Compact rules. Based on these requirements, the Sanctions Committee recommended that three states receive letters of recommendation.

The Sanctions Committee reviewed audit findings from four FBI-approved channelers for appropriate action. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Outsourcing Standard. Based on these requirements, the Sanctions Committee recommended that three agencies receive letters of concern and closure, and one agency receive a letter of recommendation.

Compact Council Action: Ms. Julie A. Lackner moved to accept the Sanctions Committee Report. Seconded by Mr. Bradley Truitt. Motion carried.

Topic #22 Proposed Changes to the NFF Qualification Requirements

Ms. Riley J. Combs, FBI CJIS Division staff, presented proposed revisions to the State NFF Quals. Ms. Combs opened her presentation with a brief history of the NFF Quals Focus Group, which was established in November 2015 to evaluate the NFF Quals to determine if the standards remain appropriate in light of the implementation of the NGI Increment 4 in September 2014. Ms. Combs noted that the NFF Quals Focus Group

identified an immediate need to update all references to the Integrated Automated Fingerprint Identification System to its successor, the NGI, and presented a redlined version of the NFF Quals with these changes made for the Council's consideration.

Compact Council Action: Mr. Charles I. Schaeffer moved to accept Option A, as presented in the topic paper and provided here: "Endorse the proposed terminology amendments to the current NFF Quals to reflect the implementation of NGI." Seconded by Ms. Katie Bower. Motion carried.

(Attachment 21)

Topic #23 Legislative Update

Mr. Thomas G. Aldridge, of the FBI OGC Criminal Justice Information Law Unit, provided an overview of recently enacted laws and legislation introduced in the 114th Congress that may significantly affect the noncriminal justice use of the III and the noncriminal justice user community. First, he discussed the Fixing America's Surface Transportation Act, which was enacted on December 4, 2015, as Public Law 114-94. Section 88002 of the bill amended Section 1511(a) of the S.A.F.E. Mortgage Licensing Act of 2008 by including other financial service providers as a category of individuals that may submit fingerprints to the FBI through the Conference of State Bank Supervisors (CSBS). He noted that fingerprints could not be submitted to the CSBS for these additional individuals until the FBI's MOU with CSBS is revised and advised the FBI and CSBS are currently coordinating on that effort.

Next, Mr. Aldridge addressed the National Defense Authorization Act for Fiscal Year 2016, which was signed into law on November 24, 2015, as Public Law 114-92. Section 1086(f) amended Title 5, United States Code (U.S.C.), § 9101, the Security Clearance Information Act (SCIA), by adding additional covered agencies. These agencies include the DHS, the Office of the Director of National Intelligence, an Executive Agency that is authorized to conduct background investigations under a federal statute; an agency delegated authority to conduct background investigations under the Security Executive Agent or the Suitability Executive Agent; or a contractor that conducts background investigations on behalf of a covered agency. The definition of CHRI was amended in 5 U.S.C. § 9101(a)(2) to include state or locality sealed records, if the records are accessible by state and local criminal justice agencies for background check purposes. In addition, 5 U.S.C. § 9101(b) specifies that all CHRI, as defined under 9101(a)(2), must be made available to a covered agency. Further, the information must be made available for the purpose of conducting a basic suitability or fitness assessment for federal or contractor employees, credentialing under the Homeland Security Presidential Directive 12, or for the Federal Aviation Administration (FAA) checks required under the FAA Drug Enforcement Assistance Act of 1988 or 49 U.S.C. § 44710.

A state agency must allow a covered agency to conduct both biometric and biographic searches of CHRI. If a criminal justice agency provides the information through more than one system, the covered agency may request and require the information to be provided using the most cost-effective system for the federal government. A contractor that utilizes an automated information system to request CHRI must comply with security requirements for accessing that system.

Next, Mr. Aldridge briefed Senate Bill (S.) 2515, the Military Child Care Protection Act of 2016. This bill requires criminal background checks of military child care employees conducted under 42 U.S.C. § 13041 to be conducted pursuant to regulations promulgated by the Secretary of Defense that are in accordance with Section 658H of the Child Care and Development Block Grant Act of 1990. These requirements include a search of the state criminal and sex offender registry or repository; a search of the state-based child abuse and neglect registries; an FBI fingerprint check; an NCIC check; and a search of the NSOR.

Mr. Aldridge discussed S. 2332, the Child Protection Improvements and Electronic Life and Safety Security Systems Act of 2015. Section 3 of the bill amends 42 U.S.C. § 5119 to require that no later than one year after enactment, the AG shall establish a criminal history review program as well as policies and procedures to provide access to state and national background checks for covered entities. A covered entity is defined as a business or organization that provides or licenses, certifies, or coordinates individuals or organizations to provide care, care placement, supervision, treatment, education, training, or recreation to children. In addition, it includes individuals in the electronic life and safety security systems industry. The AG is required to inform covered entities and covered individuals how to request state and national background checks. For those entities located in a state with a qualified program, the AG will refer them to the state authorized agency. For those entities located in a state without a qualified program, the AG will provide information on alternative methods of obtaining the checks. In addition, the AG will complete a check of the national criminal history background check system and provide information to the criminal history review designee. The AG may designate one or more federal agencies to carry out these duties. The AG or designee will establish procedures to securely receive the criminal history records; make determinations regarding whether the CHRI received indicates that the individual has a criminal history that may bear on the individual's ability to provide care to vulnerable populations or to install and monitor fire and burglar alarm systems; convey to the covered entity the fitness and suitability of the individual and instructions and guidance that the entity should consult the Employment Opportunity Commission Enforcement Guidance. The AG or designee will use the criteria located in other federal laws such as the Volunteers for Children Act (VCA), Serve America Act, and the Adam Walsh Act, to evaluate the individual. In addition to the fee that the AG is authorized to collect for the background check, the AG may collect a fee to offset the costs of the additional duties equal to the cost of conducting the criminal history review. The AG is

required to establish a process where an entity in a state without a covered program may obtain a state and national background check. The FBI is authorized to retain the fingerprints for the purpose of providing fingerprint verification; criminal investigation or subsequent hit notification services; or for the retention of criminal history. The bill would not change or replace any background check program currently authorized by federal or state law prior to enactment.

Next, Mr. Aldridge discussed House Resolution (H.R.) 4073, the Child Protection Improvement Act of 2015. Mr. Aldridge noted that this bill shared numerous similarities with S. 2332. However, it differs in that it does not include background checks of the electronic life and safety security systems industry. It also authorizes the AG to designate one or more federal agencies, as well as enter into an agreement with another entity or organization to carry out the criminal history review. In addition, for entities located in a state with a qualified program, the AG will refer them to the state authorized agency. However, for those entities located in a state without a qualified program, the AG will provide information on how to request both a state and national background check. The AG is also required to establish a process for an individual in a state without a qualified state program to obtain only a national criminal history background check.

Mr. Aldridge briefed S. 2534, the Security Officer Screening Improvement Act of 2016. Mr. Aldridge noted that this bill also shared numerous similarities with S. 2332. This bill would amend the National Child Protection Act/VCA but would require the AG to establish the procedures previously discussed in S. 2332 for the limited purpose of conducting background checks of private security officers that may not currently be backgrounded under federal or state law.

Then, Mr. Aldridge briefed H.R. 4410, the Fresh Start Act of 2016. This bill provides that an individual who has been convicted of a federal nonviolent offense, and fulfills certain requirements, may file a petition to expunge the record of the conviction. A nonviolent offense is defined as “not a crime of violence or not an offense that, by nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.” This bill also authorizes the AG to maintain a nonpublic index of expunged records containing the name and alphanumeric identifiers of the petitioner for expungement, and the agency, office, or department maintaining the expunged offense. This nonpublic index will not specify the expunged offense. The expunged records shall be made available to any law enforcement agency or federal or state court which has responsibility for criminally investigating or prosecuting the individual, or in conducting a background check on an individual who has applied for employment with the court or agency; state or local agencies that issue a license to possess a firearm; or to the individual. Byrne Justice Assistance Grant (Byrne JAG) incentives apply to states that implement procedures substantially similar to the federal procedures; a Byrne JAG penalty applies to states that do not have in effect

procedures to provide expungement for certain criminal records similar to the federal procedures.

Mr. Aldridge discussed S. 2361, the Airport Security Enhancement and Oversight Act. This bill requires that within 90 days of enactment, the Transportation Security Administration (TSA) and the FBI will fully implement the Rap Back service for recurrent vetting of eligible Administration-regulated populations of individuals with unescorted access to any secure identification display area. The TSA Rap Back notifications must be limited to criminal disqualifying offenses and information must be provided directly and immediately to the relevant airport and aircraft operators.

Mr. Aldridge briefly discussed S. 2658, the Federal Aviation Administration Reauthorization Act of 2016. This bill requires each employee of a foreign repair station that performs a safety sensitive function on an aircraft carrier to undergo a preemployment background investigation sufficient to determine whether the individuals present a threat to aviation safety. The bill also directs the directors of the TSA and the FBI to fully implement the Rap Back service for recurrent vetting of eligible Administration-regulated populations of individuals with unescorted access to any secure identification display area, and requires the TSA Rap Back notifications to be limited to only criminal disqualifying offenses. In addition, the bill requires the FAA Administrator to publish the TSA PreCheck program enrollment standards. Lastly, the bill requires the TSA Administrator to ensure that any enrollment expansion that uses a private sector assessment instead of a fingerprint-based criminal history record check is evaluated and certified by the Secretary of Homeland Security and verified by the Government Accountability Office or a federally funded research and development center to be equivalent to a fingerprint-based criminal history record check conducted through the FBI, with respect to the effectiveness in identifying the individuals who are not qualified to participate in the TSA PreCheck program due to disqualifying criminal history.

Lastly, Mr. Aldridge briefed H.R. 2347, the Federal Advisory Committee Act (FACA) Amendments of 2016. This bill requires that prior to appointing members to an advisory committee, the agency head must provide interested parties the opportunity to suggest potential committee members, as well as publish a notice in the *Federal Register* to request comments on the potential committee members through the agency's official Web site. The provisions of the FACA shall apply to each committee, subcommittee, or subgroup, unless Congress specifically provides otherwise. Section 4 of the bill amends Section 11 of the FACA by requiring that each agency head shall make publically available detailed minutes of all committee meetings and a description of the efforts to make the meetings accessible to the public using online technologies. In addition, transcripts and audio or video records must be made available on the Web site within 30 calendar days of the meeting. Further, Subsection (b) provides that prior to the meeting, the information must be electronically available on the agency's public Web site within 15 calendar days, but no later than 48 hours before the meeting. The agency may

withhold any information that would be exempt under the 5 U.S.C. § 552. Section 5 requires that each agency head designate an Advisory Committee Management Officer to implement the requirements and regulations pertaining to the Act. Mr. Aldridge noted that the Compact Council and its Committees are specifically excluded from the FACA.

Compact Council Action: This topic was accepted for information only.

Topic #24 (A) Update on Missing Dispositions

Ms. Paula J. Zirkle, FBI CJIS Division staff, provided an overview of efforts to obtain missing dispositions. She announced that due to concerted efforts to obtain missing FBI dispositions, only 23 percent of FBI records are now missing dispositions, including both those that have not yet been adjudicated and pre-1940s records. Second, Ms. Zirkle noted that work continued to obtain federal missing dispositions, with only 44 percent now missing dispositions. She also announced that one federal agency had recently submitted over a million dispositions, and that a partnership with the U.S. Courts now automatically provides all dispositions for those individuals under federal supervised release, which constitutes approximately 82 percent of all federal convictions.

Ms. Zirkle stated that based on statistics derived from the 2014 Survey of State Criminal History Information Systems, on average 31 percent of state arrests are missing dispositions and that the state dispositions are made available to authorized requestors via the NFF Program and III State Outreach. She advised that outreach would continue in an effort to identify missing dispositions.

Compact Council Action: This topic was accepted for information only.

(B) Update on the Automated Disposition and Processing Techniques

Ms. Paula J. Zirkle, FBI CJIS Division staff, provided an update on the Automated Disposition and Processing Techniques (ADAPT). Ms. Zirkle noted that the first phase of the ADAPT is expected to be implemented in fall 2016 and will provide a Web portal through which bulk dispositions can be submitted as an alternative to mailing physical media. In addition, Ms. Zirkle stated that efforts continue to address dispositions for state records maintained by the FBI. She advised that the long-term goal is to develop a solution that will allow states to electronically receive the fingerprint images and associated information needed to take control of their FBI-maintained records. Lastly, Ms. Zirkle thanked the Council for its continued partnership in improving disposition reporting.

Compact Council Action: This topic was accepted for information only.

Topic #25 Departmental Order (DO) Update

In a continued effort to address the concerns for misuse of the DO process raised by the Council, Ms. Paula J. Zirkle, FBI CJIS Division staff, provided a brief update on the ongoing efforts to modify the DO fingerprint processing procedures. She announced that average monthly receipts of DO requests have decreased steadily over the last three years and noted that a significant decrease in volume occurred when the CNCS contracted with an FBI-approved channeler for submission of volunteer checks under the Serve America Act.

Ms. Zirkle discussed that the NPRM regarding a possible process change to limit the third-party dissemination of a DO request remains in Department of Justice (DOJ) review. Ms. Zirkle also noted that one of the factors affecting the continued review was language in the draft NPRM that provided an exception to the process change for international adoption purposes. She advised that of the 22,000 DO requests processed in February 2016, only 9 were for international adoption purposes. As such, it was proposed that the exception for international adoptions be removed from the NPRM.

Compact Council Action: Mr. Charles I. Schaeffer moved to strike the exception of international adoptions from the public notice to limit third party dissemination of DO responses. Seconded by Ms. Katie Bower. Motion carried.

Lastly, Ms. Zirkle announced that a pilot project, Departmental Order Electronic Solution (DOES) 2, is currently underway and allows an individual who wishes to obtain their own record to apply and pay online through a secure portal. The individual's fingerprint card must still be sent in via U.S. mail. She noted that the response time for the pilot project was roughly 24 hours, as opposed to 78 days for manual requests. Council members expressed their appreciation for the continued efforts to manage the misuse of the DO process.

Topic #26 Noncriminal Justice Online Policy Resource – Serve America Act

Staff paper provided for information only, not presented.

Topic #27 Noncriminal Justice Online Policy Resource – III Access for Exigent Circumstances (Purpose Code X)

Staff paper provided for information only, not presented.

Topic #28 NFF Quarterly Statistics

Staff paper provided for information only, not presented.

Topic #29 NGI Status Report

Staff paper provided for information only, not presented.

The meeting adjourned at 12:15 p.m.

**National Crime Prevention and Privacy
Compact Council Meeting
Pittsburgh, Pennsylvania
May 11-12, 2016
List of Attachments**

Attachment (1)

List of meeting attendees

Attachment (2)

Handout #1 – FBI’s CJIS Division Update presentation

Attachment (3)

Handout #1 – APB Update presentation

Attachment (4)

Handout #1 – Compact Ratification Video presentation

Attachment (5)

Handout #1 – BJS Update presentation

Attachment (6)

Handout #1 – SEARCH Update presentation

Attachment (7)

Handout #1 – SEARCH – 2014 Survey of State Criminal History Information Systems Summary presentation

Attachment (8)

Handout #1 – Update on the CCDBGA Background Check Requirements presentation

Attachment (9)

Handout #1 – Biometric Interoperability Update presentation

Attachment (10)

Handout #1 – Update on the Rap Back Focus Group – Legacy Fingerprints presentation

Attachment (11)

Handout #1 – Noncriminal Justice Rap Back Audit Plan presentation

Attachment (12)

Handout #1 – 2015 National Identity Services Audit Results Summary presentation

Attachment (13)

Handout #1 – Frequently Identified Findings Which Occur During Information Technology Security Audits and CJIS Security Policy Guidance presentation

Attachment (14)

Handout #1 – Compact Council Strategic Plan Update presentation

Attachment (15)

Handout #1 – NFF State Information Sharing Conference presentation

Attachment (16)

Handout #1 – NFF Participation Implementation Plan Review presentation

Attachment (17)

Handout #1 – Request for Consideration of Changes to the NFF Program presentation

Attachment (18)

Handout #1 – Information Sharing Gaps Related to the Use of the CPI Message presentation

Attachment (19)

Handout #1 – Nlets Update presentation

Attachment (20)

Handout #1 – Update on the Serve America Act presentation

Attachment (21)

Handout #1 – Proposed Changes to the NFF Qualification Requirements presentation